S.B.CIVIL WRIT PETITION NO.1402/1997.

Goverdhan Singh Purohit Vs. Union of India

DATE OF ORDER : 15.03.2005.

HON'BLE MR. R.P. VYAS, J.

Mr.S.K. Nanda for the petitioner(s).
Mr.Vineet Mathur for the respondents.

It is submitted by the learned counsel for the petitioner that the controversy involved in the present writ petition is squarely covered by the decision rendered in S.B. Civil Writ Petition No. 1083/2001 decided on 21.02.2004. It is further submitted by the learned counsel for the petitioner that the said decision was challenged before the Division Bench of this Court in D.B.Civil Special Appeal (Writ) No.2976/04 {DR(J)}. The Division Bench vide order dated 02.12.2004 dismissed the appeal filed by the Union of India and upheld the order dated 21.2.2004 passed by the learned Single Judge.

This fact is not controverted by the learned counsel Mr. Vineet Mathur appearing on behalf of the respondents. However, he submits that the amount of the disability pension should be given from the date of filing the present writ petition instead of date of retirement on the ground of delay.

Replying to the submission of the learned counsel for the respondents, learned counsel for the petitioner, has placed on reliance judgments of this Court as well as of the Supreme Court viz. Dip Singh Vs. U.O.I. & ors. reported in 2003(1) WLC page 74, S.K. Mastan Bee Vs. General Manager, South Central Railway and another reported in (2003) 1 SCC page 184, Balu Singh Vs. U.O.I. & ors. reported in 2003(1) WLC page 368.

I have gone through through the judgments cited by the learned counsel for the petitioner. It has been categorically held that delay and laches can be no bar to claim for pension. Thus, I do not find any force in the submission made by the learned counsel for the respondents and the same is hereby rejected.

Looking to the facts and circumstances of the case, I deem it just and proper that the petitioner is entitled to disability pension from the date of retirement.

In view of the submissions made by the learned counsel for the parties as well as the fact

that the controversy involved in the present writ petition has already been set at rest by this Court, the writ petition is allowed. The impugned orders dated 10.7.1981 (Annexure P/2) and 18.04.1983 (Annexure P/6) are set aside and the respondents are directed to forthwith release disability pension to the petitioner.

(R.P.VYAS)J.

Anil